

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MIGUEL VAAMONDES BARRIOS,  
GLORIA BROWNING VAAMONDES BARRIOS,  
Petitioners,  
v.

Civil Action No.  
25-cv-1759  
(Vitaliano, J.)

U.S. DEPARTMENT OF HOMELAND  
SECURITY, KRISTI NOEM, Secretary, U.S.  
Department of Homeland Security, in her official  
capacity,

Respondents.

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**DECLARATION OF ROBERT HAGAN**

I, Robert Hagan, do hereby declare and state as follows:

1. I am currently employed by the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), as the Chief of the Detention Operations Coordination Unit within ERO's Field Operations Division. I have served in this capacity since January 2023.

2. As part of my official duties, I facilitate communication between ERO Headquarters, ERO Field Offices, and internal and external stakeholders to coordinate the national movement and transfer of aliens within the United States via ground transportation, chartered aircraft, and commercial aircraft. I also monitor detention capacity within ICE ERO.

3. The following information is based on my personal knowledge, my review of information obtained from other individuals employed by DHS, information obtained from government databases maintained by DHS, and other documents related to the case of Petitioner,

Miguel Gregorio Vaamondes Barrios (“Barrios”).

**A. Barrios’ Entry into The United States**

4. Barrios, a native and citizen of Venezuela, entered the United States illegally on an unknown date at an unknown location without being admitted or paroled by an immigration officer.

**B. Barrios’ Arrest And Criminal History In The United States**

5. On April 20, 2023, Barrios was arrested in Paramus, New Jersey for Shoplifting in violation of N.J. Rev. Stat. § 2C:20-11B(2).

6. On June 17, 2023, Barrios was arrested in Paramus, New Jersey for Shoplifting in violation of N.J. Rev. Stat. § 2C:20-11B(2).

7. On July 20, 2023, Barrios was arrested in Nassau County for Grand Larceny in the Third Degree pursuant to NY Penal Law § 155.35. This arrest resulted in a conviction, by guilty plea, for Petit Larceny pursuant to N.Y. Pen. Law § 155.25 on October 27, 2023.

8. On October 6, 2023, Barrios was arrested in Lower Merion Township, Pennsylvania for Retail Theft and Receiving Stolen Property pursuant to 18 Pa. Cons. Stat. §§ 3929(a)(1); 3925.

9. On December 29, 2023, Barrios was arrested in Queens County, New York and charged with Menacing in the Second Degree, Criminal Mischief, Criminal Possession of a Weapon in the Fourth Degree and Harassment in the Second Degree pursuant to N.Y. Pen. Law §§ 120.14, 145.00, 265.01, and 240.26.

10. On or about January 31, 2024, Barrios was arrested in Queens County, New York and charged with Criminal Contempt in the Second Degree and Criminal Mischief pursuant to N.Y. Pen. Law §§ 145.00 and 215.50.

11. On or about February 1, 2024, Barrios was arrested in Queens County, New York and charged with Criminal Contempt in the Second Degree pursuant to N.Y. Pen. Law § 215.50.

12. On March 27, 2024, Barrios was arrested in the Bronx, New York and charged with two counts of Criminal Possession of a Controlled Substance in the Third Degree, two counts of Criminal Possession of a Weapon in the Second Degree – Loaded Firearm, Criminal Possession of a Narcotic Drug in the Fourth Degree, four counts of Criminal Possession of a Weapon in the Third Degree, Criminal Possession of a Controlled Substance in the Fifth Degree – Intent to Sell, two counts of Criminal Possession of a Firearm, two counts of Criminal Possession of a Weapon in the Fourth Degree, and Criminal Possession of a Controlled Substance in the Seventh Degree pursuant to N.Y. Pen. Law §§ 220.16(1), 220.16(12), 265.03, 220.09, 265.02(8), 265.02(1), 220.06, 265.01-B, 265.01 and 220.03.

**C. ICE Encounters Barrios**

13. On May 15, 2024, ERO encountered Barrios while he was detained at the Montgomery County Correctional Facility, in Montgomery County, Pennsylvania. Barrios was detained at that facility, by local law enforcement, pursuant to an arrest warrant issued on February 9, 2024, by the Montgomery County Court of Common Pleas in Montgomery County, Pennsylvania under docket number CP-46-CR-6354-2023.

**D. Barrios' Detention by ICE And Movement History**

14. On May 15, 2024, ERO arrested Barrios pursuant to 8 U.S.C. §1226 of the Immigration and Nationality Act ('INA'), §236, and transported him to the Moshannon Valley Processing Center, in Phillipsburg, Pennsylvania ("MVPC").

15. On May 16, 2024, Barrios was served a Notice to Appear, charging him with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), INA § 212(a)(6)(A)(i), as an alien present in the United States without having been admitted or paroled, and was placed into removal proceedings.

16. Barrios was thereafter detained by ICE pursuant to 8 U.S.C § 1226(a), INA 236(a). With the exception of Barrios' transfer from ICE to the custody of the New York Department of Corrections and Bronx District Attorney's Office, a non-federal law enforcement agency, for the two-day period of October 22 and 23, 2024 for a criminal court appearance in Bronx County, Barrios was detained by ICE in various facilities until his removal on March 15, 2025.

17. Barrios was first detained by ICE in Pennsylvania. Specifically, Barrios was detained by ICE at the MVPC from May 15, 2024, to October 18, 2024, and then again at the MVPC from November 1, 2024, until February 17, 2025. Barrios was also detained by ICE at the Pike County Correctional Facility in Hawley, Pennsylvania ("PCCF"), first between October 18, 2024, and October 22, 2024, and then again from October 24, 2024, through November 1, 2024.

18. Barrios was also detained by ICE in Texas. Specifically, Barrios, per direction from ERO Headquarters, was transferred from Pennsylvania to Texas on February 17, 2025. Barrios was detained at the El Paso Service Processing Center in El Paso, Texas from February 17, 2025, to March 11, 2024. On March 11, 2024, Barrios was transferred to the Webb County Detention Center, where he was detained until his removal on March 15, 2025.

19. From the time Barrios entered ICE custody in May of 2024 until his removal in March of 2025, Barrios was never in ICE custody within the Eastern District of New York.

#### **E. Barrios' Removal Proceedings**

20. As explained above, on May 16, 2025, Barrios was served with a Notice to Appear.

21. Barrios thereafter sought bond on three occasions pursuant to 8 C.F.R. § 1236, all

of which were unsuccessful. Barrios first sought bond on May 16, 2024, which his counsel withdrew on May 30, 2024. Barrios next sought bond on October 16, 2024, which his counsel also withdrew on October 23, 2024.

22. Barrios last sought bond on November 7, 2024, which was denied by the Immigration Judge (“IJ”), on November 13, 2024, because Barrios had “not met [his] burden to prove [he was] not a danger to the community.”

23. On November 22, 2024, Barrios and ICE filed a Joint Motion for Stipulated Removal, in which Barrios, by counsel, “admit[ted] all factual allegations in the Notice to Appear and admit[ted] inadmissibility as charged.” In the joint motion, Barrios designated Venezuela as the county of removal under 8 U.S.C. § 1231(b)(2)(A)(i), INA § 241(b)(2)(A)(i).

24. However, Barrios, by counsel, stated that he understood “the consequences of this request, ha[d] been advised by his undersigned counsel of the consequences of this request, and enter[ed] this request voluntarily, knowingly, and intelligently.” Barrios also stated that he “accept[ed] the removal order as final and waive[d] appeal of the removal order.”

25. On December 2, 2024, the IJ denied the Joint Motion for Stipulated Removal because it was “not signed by” Barrios.

26. Nevertheless, by Order of the same date, the IJ ordered Barrios removed to Venezuela.

27. As both parties had waived appeal, the removal order became administratively final on the same date, December 2, 2024.

28. Thus, at that point, Barrios was subject to an administratively final order of removal, and his detention and removal were authorized pursuant to 8 U.S.C. § 1231, INA § 241.

29. In early March 2025, ERO Philadelphia was advised by ERO Headquarters that no

direct removals to Venezuela could occur because Venezuela was not accepting direct ICE Air removal flights of Venezuelan aliens at that time.

30. As the government of El Salvador agreed to accept Barrios, pursuant to 8 U.S.C. § 1231 and 8 C.F.R. § 241.15, on March 15, 2025, Barrios was removed from the United States to El Salvador.

I declare that the foregoing is true and correct to the best of my knowledge and belief and is given under penalty of perjury pursuant to 28 U.S.C. §1746.

Date: April 28, 2025

ROBERT G HAGAN   
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Robert Hagan, Unit Chief